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ZNR UUUUU ZZH
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FM AMEMBASSY KHARTOUM
TO RUEHC/SECSTATE WASHDC IMMEDIATE 1430
INFO RUCNIAD/IGAD COLLECTIVE
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UNCLAS SECTION 01 OF 02 KHARTOUM 001120

DEPT FOR AF/SPG, A/S FRAZER, SE WILLIAMSON
ADDIS ABABA FOR USAU
DEPT PLS PASS USAID FOR AFR/SUDAN

SENSITIVE
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E.O. 12958: N/A
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SUBJECT: SPLM VICE CHAIRMAN MALIK AGAR ON ELECTIONS

¶1. (SBU) Summary: In a July 26 meeting with ConGen Juba, Blue Nile State Governor and Vice Chairman of the SPLM Malik Agar said that the SPLM will contest the 2009 elections from top to bottom, and that party support to GOSS President Kiir is "solid." End summary.

¶2. (SBU) Meeting on the margins of an SPLM Political Bureau conference this weekend in Juba, SPLM Vice Chairman Malik Agar told Congen Juba that the SPLM will contest the 2009 elections at all levels nationally. He said the SPLM would do this despite knowing that the NCP now finds itself with its back to the wall because of the ICC indictments. "Even before this, Bashir could not give up power," Malik said, "because of all the crimes he has committed. But the ICC has made this even more true." However, the SPLM has no alternative but to try to contest the elections anyway. It was, he said, the only path to holding a referendum in 2011. "At this point, Bashir can lose everything in a general upheaval, or he can keep something and survive." Asked what it was that Bashir might be able to keep, Malik was vague, finally saying that perhaps he could keep the presidency, even through cheating, so long as the SPLM held the National Assembly and could write the 2011 referendum law. (Comment: Malik's comments seemed to indicate that the SPLM would contest the elections to ensure a deal with the NCP on the referendum law. End comment.)

¶3. (SBU) Asked if the SPLM would select GOSS President Kiir to run against Bashir for the presidency of the GNU, Malik again was evasive, although he indicated that Kiir's support in the SPLM is complete, and so it made sense that he would head the party ticket. Asked who else might be selected if Kiir decided not to be the candidate, Malik refused to speculate. Asked if he would consider running, he said he did not want to, but if Kiir asked him to, he would do it.

¶4. (SBU) "The challenge we face," said Malik, "is getting peacefully to the 2011 referendum." The South, he said, has no incentive to stay in a united Sudan, and will vote to break away. It was important that the break be peaceful, however. If that means sharing oil revenue, that could be done, but the South has suffered too much war, he said, and the goal of Kiir and the party is to get through this period without more of it. What most concerned Malik was the Three Areas in 2011 (Blue Nile being one of the three areas). The means by which they will decide who to align with are not clear. If the NCP tries to keep them against the will of the people, and fighting breaks out, the SPLM will go to their aid. "We will have no choice," he said. (Note: While Abyei's choice to decide to go with the South is enshrined in the CPA, Blue Nile and Nuba Mountains are stuck with much more vague "popular consultations" which could force them to stay in Northern Sudan against the will of many of their citizens).

¶5. (SBU) Asked if the Political Bureau was considering a reshuffling of the cabinet, Malik said that some ministers might change portfolios, but that there would be no actual changes of people. Concerning the naming of a new Minister for SPLA Affairs to replace the recently deceased Dominic Dim Deng, Makik said that the position

will remain open for the time being and Kiir himself will oversee the portfolio.

¶6. (SBU) Comment: Malik and others in the SPLM continue to show unwavering support for President Kiir. Malik's refusal (as well as the refusal of others) to speculate on who might run for the GNU presidency if Kiir does not, springs, we think, from a sense that talking about that would show disloyalty to Kiir. His primary place at the head of the party might well indicate that he will have little option but to stand for the presidency against Bashir, despite the nearly universal belief in the South that Bashir will not step down from power under any circumstances, and that Kiir's efforts are better focused on the GOSS and on keeping the SPLM united. The view of all we talk to in Juba is that the SPLM must compete to insure that the South gets to hold a peaceful referendum in 2011, which is the primary goal of all southerners.

¶7. (SBU) Comment Cont.: Malik's comments on the Three Areas are deeply troubling. Abyei has a right to a referendum on self determination, but the Nuba Mountains and southern Blue Nile only have a right to a popular consultation (presumably a discussion on type of government, but not a referendum on self-determination). Malik should know better, but his comment reflects the widespread view that the people of the Nuba Mountains and southern Blue Nile will not accept being "abandoned" to the north, which is why over twenty thousand SPLA troops (who are from those communities) remain there. This will surely be a cause for war if the SPLM and NCP do not negotiate a way for these two areas to retain nominal autonomy under SPLM control following the referendum in 2011. This would be a another new issue for negotiation between the parties that is in their interests to resolve if they want to ensure peace and continued oil revenues in the long term.

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FERNANDEZ